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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT TACOMA

10 UNITED STATES OF AMERICA,) NO. CR13-5308BHS
11)
12 Plaintiff,)
13 v.) ORDER
14) Re: GOVERNMENT'S
15 RAY EUGENE CALDWELL and) MOTION IN LIMINE
16 ALL OUT SEWER AND DRAIN)
17 SERVICE, INC.,)
18 Defendants.)

18 The United States has moved in limine to exclude evidence and argument that (1) the
19 Defendant did not know the legal requirements of the Clean Water Act; (2) the Defendant had a
20 good faith belief that he was complying with the law; (3) there was insufficient actual
21 environmental harm; and (4) the discharge was *de minimis*.

22 The Court, having received and reviewed the motion and arguments included therein,
23 makes the following ruling:

24 IT IS ORDERED that the Defendants are prohibited from introducing any evidence or
25 arguing that (1) the Defendant did not know the legal requirements of the Clean Water Act; (2)
26 the Defendant had a good faith belief that he was complying with the law; (3) there was
27 insufficient actual environmental harm; and (4) the discharge was *de minimis*.
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1 Such evidence is not relevant to any of the elements the government must prove at trial,
2 or defenses that could be raised, and would lead to undue delay and confusion. This order does
3 not preclude the defense from raising a mistake-of-fact defense.

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5 DATED this 22nd day of August, 2013.
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BENJAMIN H. SETTLE
United States District Judge

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15 Presented by:

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